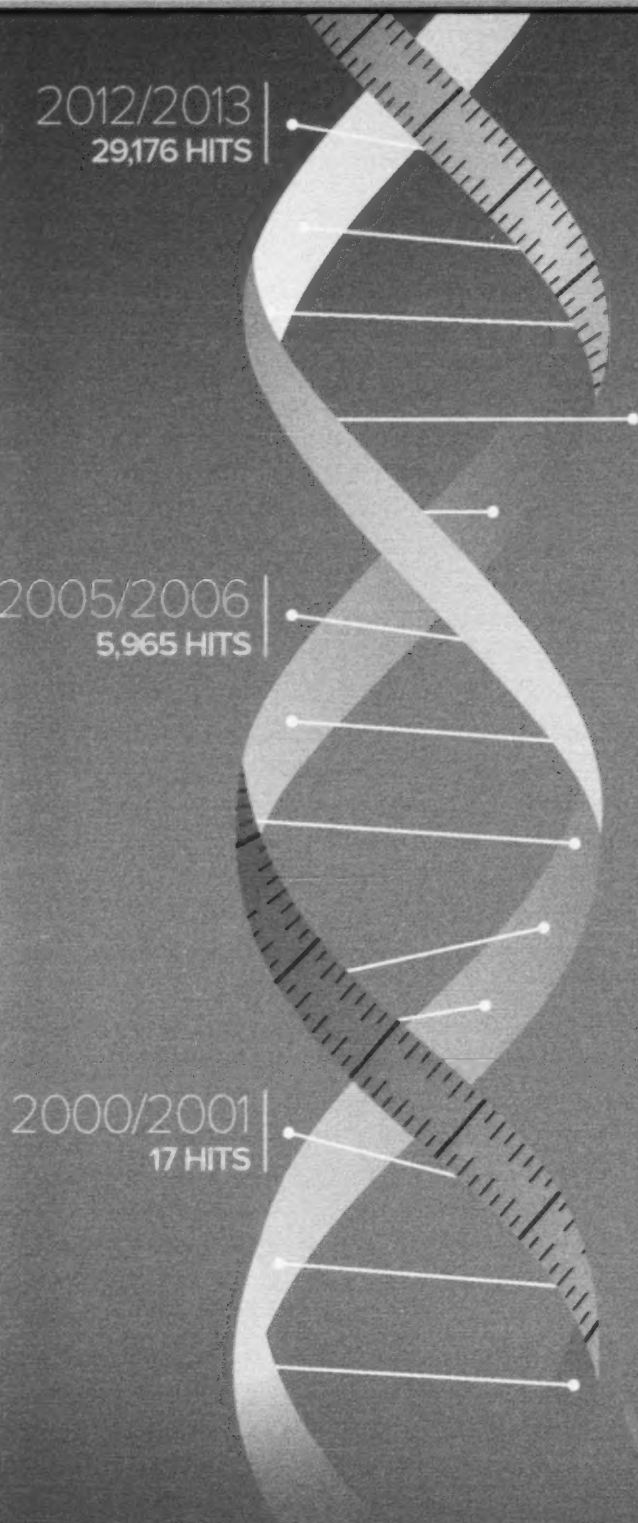
RCMP·GRC

ROYAL CANADIAN MOUNTED POLICE • GENDARMERIE ROYALE DU CANADA



MEASURING SUCCESS

THE NATIONAL DNA DATA BANK OF CANADA

ANNUAL REPORT
2012/2013

Royal Canadian Mounted Police | Gendarmerie royale du Canada

Canada

ANY INQUIRIES REGARDING THE CONTENT OF THIS REPORT OR REQUESTS FOR ADDITIONAL COPIES SHOULD BE ADDRESSED TO:

NATIONAL DNA DATA BANK OF CANADA

Forensic Science and Identification Services,
Royal Canadian Mounted Police

P.O. Box 8885, 1200 Vanier Parkway,
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TABLE OF CONTENTS

2
MESSAGE FROM THE COMMISSIONER, ROYAL CANADIAN MOUNTED POLICE

3
QUICK FACTS

4
THE NATIONAL DNA DATA BANK

6
THE WORKING SCIENCE

9
PROCESS FOR REPORTING A MATCH

9
PROCESS FOR CONFIRMING A MATCH

10
MEASURING THE SUCCESS OF THE NDDB

12
SUCCESS STORIES

16
THE NATIONAL DNA DATA BANK ADVISORY COMMITTEE

18
KEY STATISTICS

27
FINANCIAL STATEMENT

28
APPENDIX A – DEFINITIONS OF DESIGNATED OFFENCES

30
APPENDIX B – CHRONOLOGY OF DNA LEGISLATION IN CANADA

MESSAGE FROM THE COMMISSIONER, ROYAL CANADIAN MOUNTED POLICE

The National DNA Data Bank (NDDB) is an essential service operating within the RCMP's Specialized Policing Services Business Line. Since its inception in 2000, the NDDB has made itself indispensible to front-line investigators by helping to solve both current and cold-case crimes.

The 2013 Annual Report focuses on the NDDB's most recent successes in identifying criminals and exonerating the innocent. In March 2013, the Data Bank celebrated a significant achievement when it registered its 26,000th hit, the term used to indicate a profile match between crime scene evidence and a convicted offender profile in the Data Bank. Considering that the NDDB is only in its 13th year, this dramatic milestone is a success story in itself.

The NDDB has proven its capacity to provide investigators with valid scientific results, a success that can be directly attributed to the dedication of the many employees and scientists working in forensic laboratories across Canada. The NDDB staff operates in partnership with police agencies, RCMP and provincial forensic laboratories and the justice system as a whole. Without the steadfast efforts of the NDDB's employees, there would be no success stories.

The NDDB exemplifies the RCMP's commitment to provide quality services to Canadians. On behalf of the RCMP, it is my privilege to present the 2012/2013 National DNA Data Bank Annual Report.

Bob Paulson
Commissioner

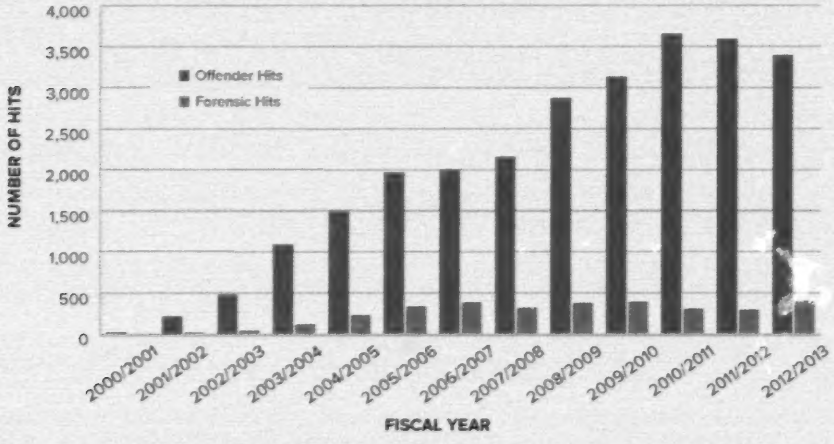
QUICK FACTS

DNA Profiles Contained in the NDDB[1]	350,159
DNA Profiles Contained in the Convicted Offenders Index	266,355
DNA Profiles Contained in the Crime Scene Index	83,804
Convicted Offender Samples Received in 2012/2013[2]	27,471
Increase in Crime Scene Index Profiles in 2012/2013	9,968
Offender Hits (Convicted Offender to Crime Scene) in 2012/2013	3,387
Offender Hits since June 30, 2000	26,013
Forensic Hits (Crime Scene to Crime Scene) in 2012/2013	395
Forensic Hits since June 30, 2000	3,163
Investigations Assisted by the NDDB in 2012/2013	3,782
Investigations Assisted by the NDDB since June 30, 2000	29,176

[1] If no date range is specified the data refers to the period from June 30, 2000 through March 31, 2013

[2] 2012/2013 refers to the NDDB's fiscal year from April 1, 2012 through March 31, 2013

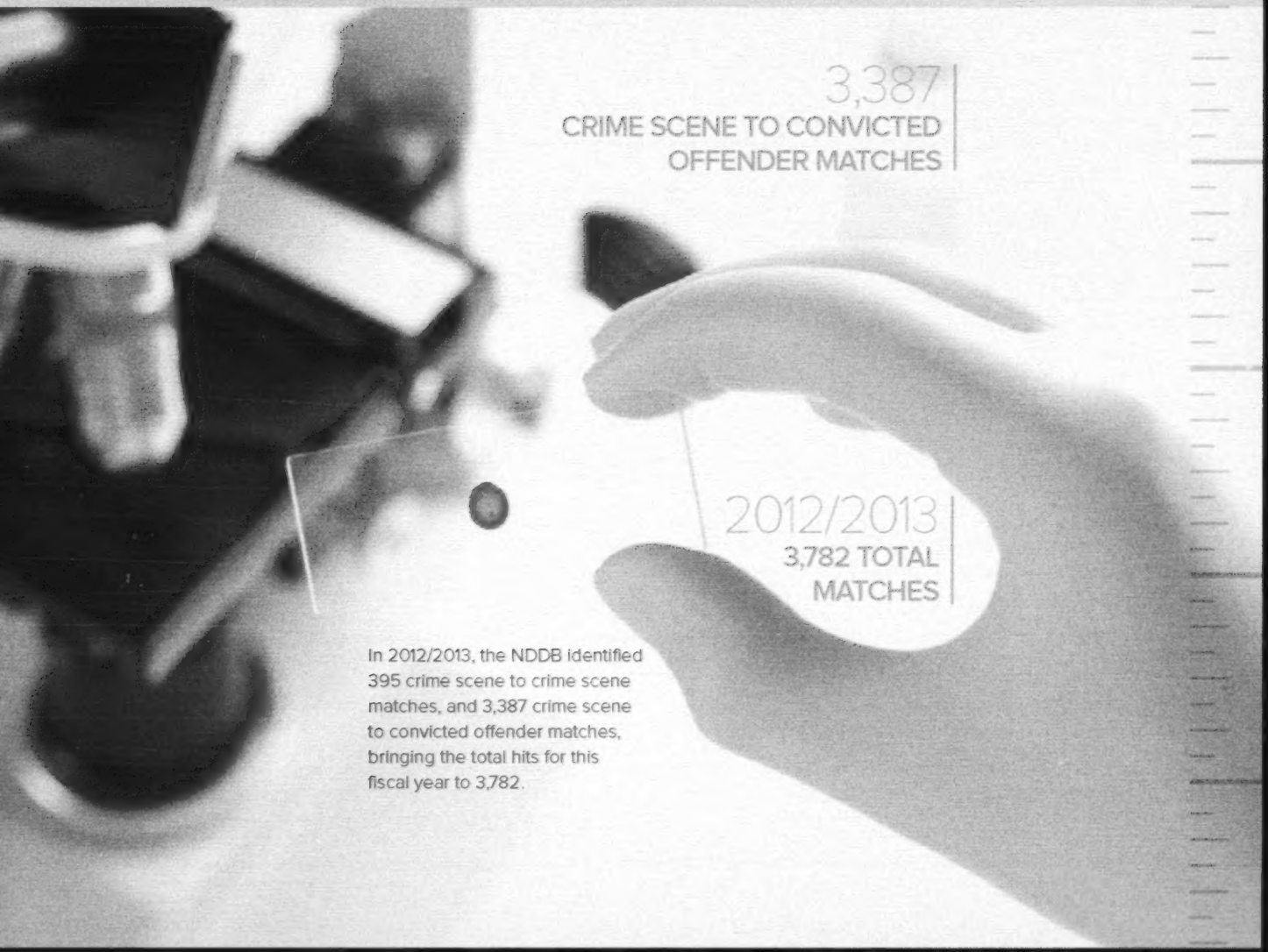
OFFENDER AND FORENSIC HITS



As more DNA profiles are entered into the NDDB, the number of days required for the Offender Hits to increase by a factor of 1,000 has decreased. It took more than three years for the NDDB to reach its first milestone of 1,000 hits. Since 2010/2011 that same 1,000 increment milestone has been achieved on average in less than three months.

395
CRIME SCENE TO CRIME SCENE MATCHES

THE NATIONAL DNA DATA BANK



3,387
CRIME SCENE TO CONVICTED OFFENDER MATCHES

2012/2013
3,782 TOTAL MATCHES

In 2012/2013, the NDDB identified 395 crime scene to crime scene matches, and 3,387 crime scene to convicted offender matches, bringing the total hits for this fiscal year to 3,782.

The RCMP is the steward of the NDDB on behalf of the Government of Canada. It operates the NDDB for the benefit of the entire law enforcement community within Canada.

Confirming the Government of Canada's commitment to combat crime, especially violent crime, Bill C-3, the *DNA Identification Act* (S.C. 1998 c. 37) received Royal Assent on December 10, 1998. The RCMP built the NDDB after Bill C-3 received Royal Assent.

In 2000, Parliament enacted Bill S-10, *An Act to Amend the National Defence Act, the DNA Identification Act and the Criminal Code* (S.C. 2000, c. 10). The NDDB became operational on June 30, 2000 when Bills C-3 and S-10 were proclaimed.

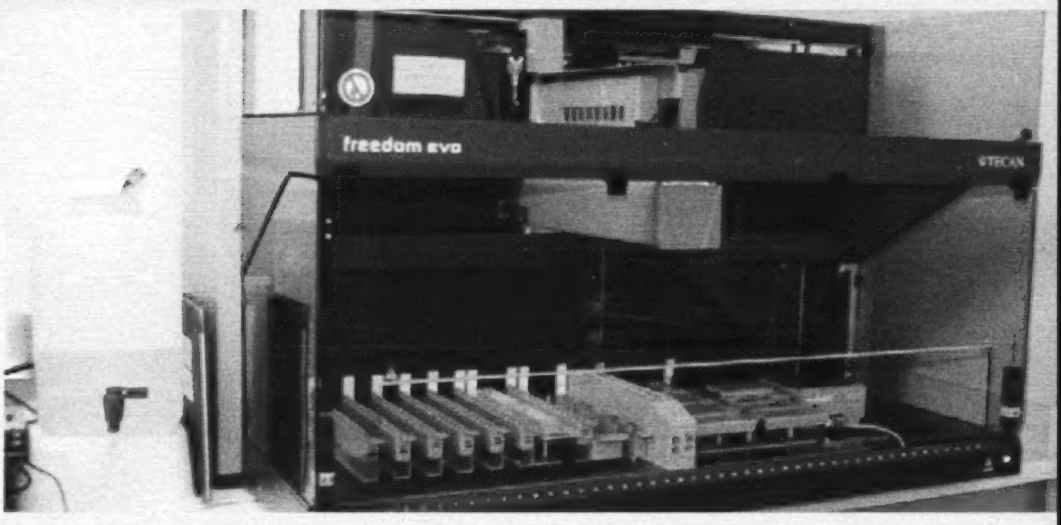
The NDDB improves the administration of justice by contributing to the early identification of those who commit serious crimes:

- Linking crimes where there are no suspects;
- Helping to identify suspects;
- Eliminating suspects where there is no match between crime scene DNA and profiles in the NDDB; and
- Determining whether a serial offender is involved.

The NDDB conducts the following comparisons to assist in criminal investigations:

- DNA profiles developed from crime scene samples are compared against DNA profiles from other crime scenes. Matches identify potential links between different crimes, which helps investigators look for other commonalities that may assist with solving the crimes.
- DNA profiles developed from crime scene samples are compared against convicted offender DNA profiles to associate an offender with a particular crime.

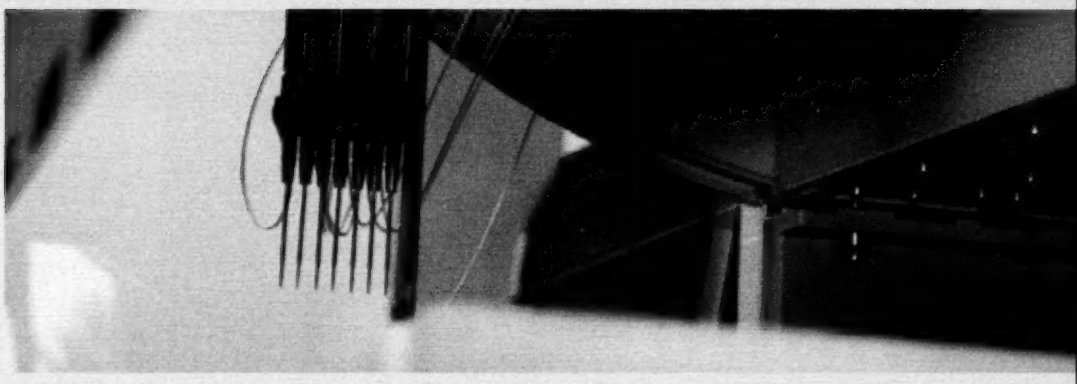
See Appendix B for a detailed chronology of DNA legislation in Canada.



266,355
DNA PROFILES CONTAINED IN THE CONVICTED OFFENDERS INDEX

THE WORKING SCIENCE

83,804
DNA PROFILES CONTAINED IN THE CRIME SCENE INDEX



The NDDB comprises two indices: the Convicted Offenders Index and the Crime Scene Index.

THE CONVICTED OFFENDERS INDEX (COI)

Biological samples collected from convicted offenders are processed by the NDDB and the resulting DNA profiles are entered into the COI.

The COI is the electronic DNA profile database developed from biological samples collected from:

- Offenders convicted of designated primary and secondary offences (see Appendix A) identified in section 487.04 of the *Criminal Code*; and
- Offenders who meet the retroactivity criteria in section 487.055 of the *Criminal Code*. In general terms, this applies to those convicted of certain serious offences who were already serving a sentence or who had been declared a dangerous offender or a dangerous sexual offender before June 30, 2000 when the *DNA Identification Act* was proclaimed. (See Key Statistics explanatory notes on page 21 for a complete description of retroactive provisions).

Biological samples from convicted offenders are collected by:

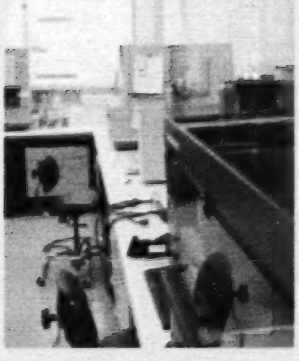
- A peace officer who is able, by virtue of training or experience, to take samples of bodily substances from the person, by means of the procedures described in subsection 487.06 of the *Criminal Code*; or
- Another person who is able, by virtue of training or experience, to take under the direction of a peace officer, samples of bodily substances from the person, by means of those procedures.

These biological samples are obtained using NDDB-specific sample kits designed for the collection of the following bodily substances:

- **Blood:** The sample is obtained by using a sterile lancet to prick the fingertip.
- **Buccal:** The inside of the mouth is rubbed with a foam applicator to obtain skin cells.
- **Hair:** Six to eight hairs are pulled out with the root sheath attached.

Convicted offender biological samples are collected and submitted to the NDDB to be processed into DNA profiles. Robotics technology, coupled with a sophisticated Sample Tracking and Control System (STaCS™), allows NDDB analysts to rapidly and efficiently process samples while ensuring overall data security and providing quality control throughout the DNA analytical process. The DNA profiles generated are the result of 13 specific DNA markers that are tested to produce profiles which show a high degree of variability between individuals (with the exception of identical twins).

DNA profiles are uploaded into the Combined DNA Index System (CODIS), a software package that stores and compares the profiles.



CODIS was developed by the Federal Bureau of Investigation and the U.S. Department of Justice and is provided to the NDDB at no cost. The CODIS software is a universally accepted tool for forensic laboratories, which allows the NDDB to compare DNA profile information using a standard, secure format.

As of March 31, 2013, the COI contained 266,355 DNA profiles.

THE CRIME SCENE INDEX (CSI)

The CSI is a separate electronic database composed of DNA profiles obtained from crime scene investigations of the same designated offences as the COI. Exhibits containing biological evidence are collected by investigators and submitted to a forensic laboratory for examination and development of DNA profiles. The following forensic laboratory systems are authorized to upload profiles using CODIS into the CSI:

- The RCMP Forensic Science and Identification Services (sites in Halifax, Ottawa, Regina, Edmonton and Vancouver);
- The Centre of Forensic Sciences in Toronto and Sault Ste. Marie; and
- The Laboratoire de sciences judiciaires et de médecine légale in Montréal.

The NDDB retains the electronic DNA profile information as well as basic details such as the date, location of the submitting laboratory and a unique number identifier that allows information to be compared by the submitting laboratory in the event of a future match.

As of March 31, 2013, the Crime Scene Index contained 83,804 DNA profiles.

PRIVACY OF INFORMATION

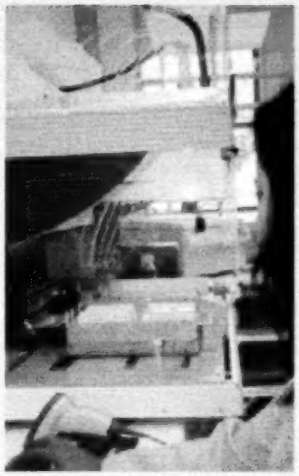
The NDDB adheres strictly to the *DNA Identification Act*, which balances privacy rights with the need for police officers to identify suspects. Stringent procedures governing the handling of biological samples and resulting DNA profiles ensure that the privacy rights of individuals are protected.

It is important to note that convicted offender samples are identified simply by a bar code number and that crime scene samples are identified by a unique number identifier. In fact, the donor identity of a convicted offender is separated from the genetic information when the sample arrives at the NDDB. The bar code is the only link between personal information, the biological sample and the DNA profile. The personal information is protected information that is not accessible by NDDB staff, and is kept in a separate registry by the RCMP's Canadian Criminal Real Time Identification Services.

The *DNA Identification Act* makes it clear that the NDDB profiles can only be used for law enforcement purposes. The NDDB does not share the DNA profiles with anyone other than law enforcement agencies. The 13 specific markers comprising the DNA profile are considered anonymous and, other than gender, do not provide specific medical or physical information about the donor. The genetic regions chosen by the NDDB are the same regions of genetic variation used throughout the United States and in many other countries conducting forensic DNA analysis.

INTERNATIONAL PARTICIPATION

The NDDB shares DNA information through an international agreement with INTERPOL, approved by the Government of Canada, which limits its use to the investigation and prosecution of criminal offences. Since June 30, 2000, the NDDB has received 1,040 incoming international requests to search its indices—the Convicted Offenders Index and the Crime Scene Index—resulting in 2 Offender Hits and 2 Forensic Hits. The NDDB has sent out 170 outgoing search requests, resulting in 2 Offender Hits and 1 Forensic Hit.



PROCESS FOR REPORTING A MATCH

NDDB processes biological samples from convicted offenders and uploads the resulting DNA profiles into the Convicted Offenders Index.

Forensic laboratories process biological samples left at crime scenes and upload the resulting DNA profiles into the Crime Scene Index of the NDDB.

NDDB runs a search between the Crime Scene Index and the Convicted Offenders Index.

Match between a convicted offender's DNA profile and a crime scene DNA profile.

Bar code, laboratory identifier and CODIS identifier are brought to Canadian Police Services Information Centre (CPSIC).

CPSIC forwards the convicted offender data to the forensic laboratory.

Forensic laboratory passes the convicted offender identity information to the investigator.

PROCESS FOR CONFIRMING A MATCH

The investigator assesses the case evidence to determine if further investigation of the suspect is required.

If evidence of a match between the convicted offender and the crime scene profile is required for court purposes, the investigator must apply to a provincial court judge for a DNA warrant. If the warrant is ordered, a biological sample can be collected from the suspect under that authority.

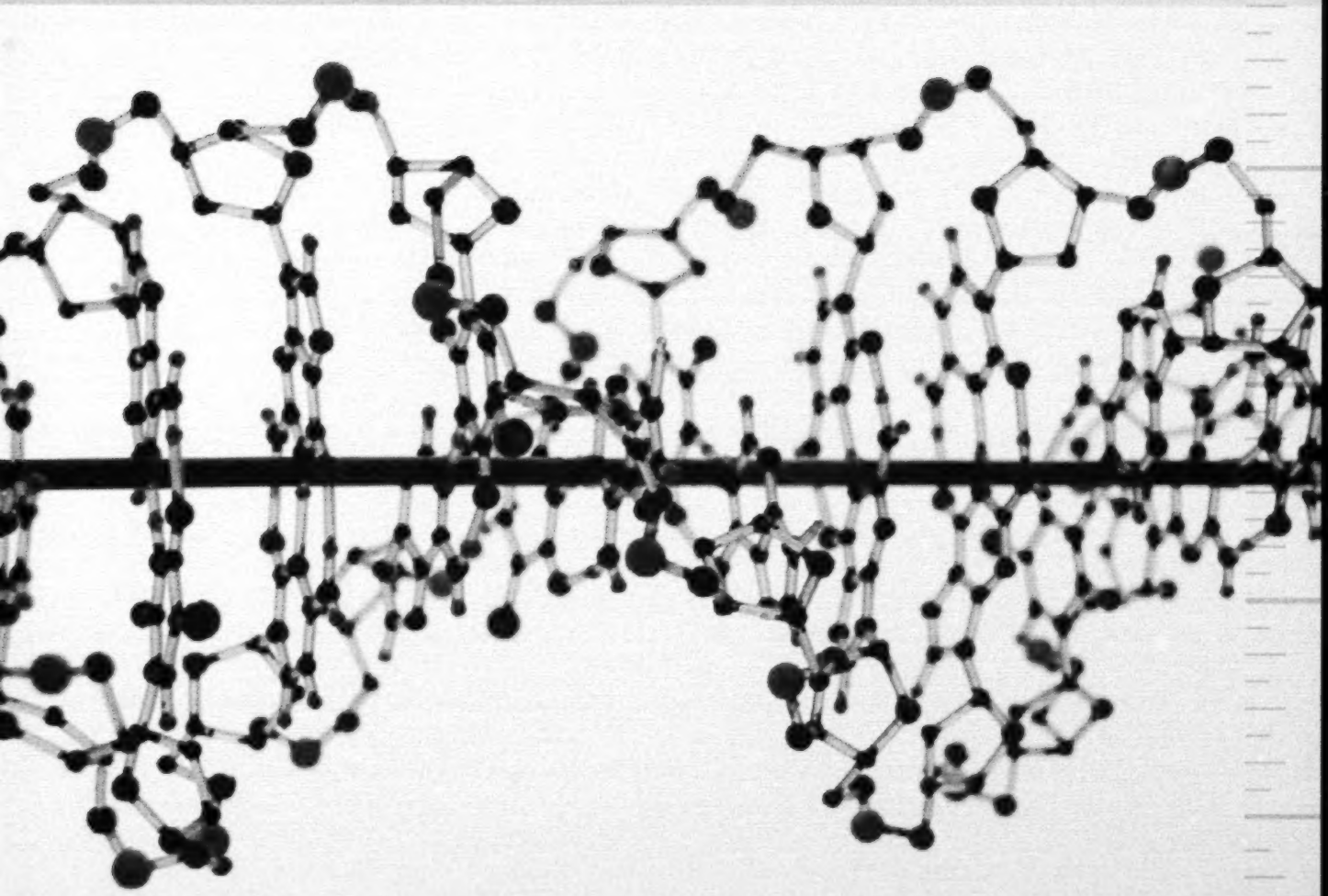
The biological sample is submitted to a forensic laboratory for analysis. The laboratory compares the suspect's DNA profile to that of the crime scene evidence.

The forensic laboratory issues a report confirming a match between the suspect's DNA profile and that of the crime scene evidence.

Based on the laboratory report and other investigative information, the investigator can consider if charges should be laid or recommended against the suspect.

3/31/2013
26,013 HITS

MEASURING THE SUCCESS OF THE NDDB



DNA analysis represents the most important advancement in human identification since fingerprinting. When the National DNA Data Bank (NDDB) was established in 2000, the hope was that it would provide police with a powerful new investigative tool. The primary goals were to provide additional evidence which would assist police in the identification, arrest and prosecution of repeat violent and sexual offenders as quickly as possible, while at the same time assisting in the exoneration of innocent and falsely accused individuals. Twelve years and more than 26,000 offender hits later, it's safe to say the NDDB has become indispensable to criminal investigations in Canada.

The NDDB has helped to secure convictions in thousands of violent crimes, from homicides to assaults. It functions as a justice time machine, reaching back over the decades to solve cold cases that revealed no leads. The DNA Data Bank streamlines the administration of justice in many ways: it identifies individuals who have committed serious crimes, links crimes that have no suspects and helps to identify suspects or eliminate them when no match exists between crime scene DNA and profiles in the NDDB. When faced with DNA evidence linking them to a crime, many suspects plead guilty, thereby bringing investigations to a faster conclusion and reducing work for the courts.

By March 31, 2013, the NDDB had registered its 26,013th hit, the term used to indicate a match between crime scene DNA and the DNA profile of a convicted offender registered in the Data Bank. The following are just a few of the success stories highlighted by the media and police agencies in which the NDDB played a significant role.

SUCCESS STORIES

1

DNA SOLVES BRUTAL ATTACK ON SENIOR CITIZEN

In 2009 in Red Deer, Alberta, while walking to her local grocery store, a 77 year-old woman was dragged into the forest, sexually assaulted, badly beaten and robbed. There were no suspects and the victim wasn't able to provide any details about her attacker. A DNA sample taken from the victim's clothes was entered in the Crime Scene Index (CSI). A match to a DNA profile in the Convicted Offenders Index (COI) led investigators to arrest a 27-year old man within days of the attack. In January 2011, the man was convicted of aggravated sexual assault and subsequently declared a dangerous offender. He was sentenced to an indeterminate prison term in April 2012. At the trial, the prosecuting attorney stated that the case probably never would have been solved without the DNA match.

2

FIRST-DEGREE MURDER CONVICTION IN 26-YEAR OLD COLD CASE

In 1984 in Winnipeg, Manitoba, a young woman was raped, stabbed to death and left half-naked in a wooded area near what is now the James Armstrong Richardson International Airport. Her killer was arrested 21 years later thanks to a DNA sample taken from her body. In 2005, following a conviction for bank robbery, the suspected killer had provided a biological sample for entry in the COI. This profile was matched to the DNA found on the murder victim's body. When he was arrested and confronted by police regarding the 1984 murder, he told police he was a bank robber, not a rapist. He later claimed he had sex with the victim but that it was consensual. The suspect was convicted of first-degree murder in March 2010 and the now 70-year-old offender with a long history of criminal offences was given a mandatory sentence of life behind bars without parole eligibility for 25 years.

3

MORE THAN A DECADE AFTER A TEENAGE GIRL WAS CHASED DOWN AND SEXUALLY ASSAULTED, POLICE ARREST A SUSPECT THANKS TO A DNA MATCH

In July 1998 in Red Deer, Alberta, an 18-year old girl was grabbed and dragged into a cemetery where she was sexually assaulted. A DNA profile was obtained from semen found on her clothing but it didn't match the DNA of any of the suspects in the investigation. Twelve years later, police were notified that a match had been made through the NDDB. The DNA profile had been entered in the CODIS following a previous conviction for assault with a weapon. Charges were filed against a man who had no fixed address and a warrant was issued for his arrest. He was finally located two years later in Nova Scotia where he was arrested and charged with the 1998 sexual assault. He is currently serving a three-year sentence for sexual assault

4

DNA RESULTS IN CONVICTION AND EXONERATION OF ROBBERY SUSPECTS

In 2008, a man brandishing a syringe filled with an unknown substance held up a drugstore in Tecumseh, Ontario, and fled with $300 worth of opiate drug patches. A ball cap recovered nearby matched the description of the ball cap worn by the thief. A DNA sample taken from the cap was uploaded to the NDDB's CSI. The investigation identified four possible suspects through various sources including a photo lineup. No charges could be laid because none of the identifying information could be corroborated. A year later, the ball cap DNA was found to match that of an individual whose DNA profile was in the CODIS as a result of a recent conviction for another similar drug store robbery in 2009. This individual was not one of the four men identified as a possible suspect in the 2008 drug store robbery. The convicted offender was arrested and charged and a DNA warrant confirmed that he was in fact the man who had robbed the drug store in Tecumseh. The four previously identified suspects were exonerated with the assistance of DNA evidence. In 2011, the accused was convicted of Robbery with a Weapon and received a nine-month custodial sentence as well as a lifetime weapons prohibition.

DNA evidence and the NDDB contribute to a reduction in investigation time, effort and resources by allowing police to focus on the identification and eventual conviction of a crime's true perpetrator. In this case, DNA evidence demonstrated its value by contributing to the exoneration of four innocent individuals who had originally been considered suspects in the investigation.

5
REPEAT SEX OFFENDER IDENTIFIED BY DNA

In 2004 in Saint-Jérôme, in the province of Quebec, a young woman was sexually assaulted at knife point by a man who had asked her for a lift after helping to free her car from a snow bank. She managed to escape to a nearby house while the attacker stole her car, which was found abandoned a few days later. DNA samples were taken from both the victim and the vehicle. Analysis of these samples revealed a match with an existing DNA profile in the COI (part of the DNA Retroactive Project). The 2004 incident was this offender's third armed sexual assault. He was arrested and sentenced to 11 years in prison and was registered on the Violent Crime Linkage Analysis System (ViCLAS) as a serial attacker.

6
DNA IDENTIFIES THIEF ON HIKING TRAIL

In July 2012, a man accosted and attempted to rob a teenage girl while she was walking on a popular hiking trail in Corner Brook, Newfoundland. Fortunately, her screams scared him off and his DNA was later recovered from evidence found at the crime scene. The incident sparked a high-profile search and four months later, assisted by a match with an existing DNA profile in the COI, the man was arrested and charged with robbery, theft and two counts of breach of probation. He was sentenced to three years in prison in February 2013.

7
SERIAL GROPER ARRESTED AFTER HIS DNA IS FOUND ON A CIGARETTE

In the spring of 2012 in Ottawa, Ontario, nine women reported the same disturbing type of assault to police: a man snuck up behind them in public, groped them, and then pulled down their pants and underpants. The attacker managed to evade police until one of his victims knocked a cigarette from his mouth while fighting back. DNA recovered from the cigarette matched that of a man whose DNA had been entered into the COI

earlier in 2012 following a conviction for possessing a knife for a dangerous purpose. After the DNA match was made, the man was arrested and charged. He subsequently pled guilty to nine counts of sexual assault, one count of mischief and two counts of breach of probation.

In this case, the offender was caught because his DNA profile was already in the National DNA Data Bank. It had been entered after he was sentenced for the lesser offence of illegal possession of a knife.

NATIONAL DNA DATA BANK 2012/2013 ANNUAL REPORT ADVISORY COMMITTEE

The National DNA Data Bank Advisory Committee is composed of seven dedicated professionals who have backgrounds in science, law, privacy, law enforcement and ethics. Appointed by the Minister of Public Safety Canada, members of the Committee meet two or three times each year to review issues that affect the NDDB and to report to the Commissioner of the RCMP on their potential impacts. They also provide the Commissioner with strategic guidance and direction concerning scientific advancements, matters of law, legislative change and ethical practices.

For police agencies across the country, the National DNA Data Bank has proven to be an extremely effective investigative tool. Those of us who have the privilege to sit on the Advisory Committee will continue to watch for technological advances employed by the international community to help ensure that Canada's National DNA Data Bank remains a valued resource for front-line investigators from coast to coast. Having closely observed the continuing growth, scientific enhancements and effectiveness of the NDDB within the Canadian justice system, even in this climate of fiscal restraint, I am confident that the NDDB is well equipped to deal constructively with the growing sample volume and technical challenges that lie ahead.

The NDDB Advisory Committee takes great pride in the success of the NDDB and in its members' broad range of experiences and perspectives, which have been instrumental in navigating challenges that could not have been anticipated when the NDDB was first established in 2000. This is perhaps most apparent in the critical balance established between the need for public safety and the need to safeguard the rights of individuals.

I would like to take this opportunity to acknowledge the excellent work done by the Honourable Peter Cory, a valued member of the Advisory Committee who retired last year. His expertise was a great asset to the NDDB Advisory Committee.

Garry Loeppky, O.O.M.
Deputy Commissioner (retired),
Chairperson

National DNA Data Bank
Advisory Committee

NATIONAL DNA DATA BANK ADVISORY COMMITTEE MEMBERS

GARRY LOEPPKY

O.O.M., Garry Loeppky, D/Commr. (Rtd), served with the Royal Canadian Mounted police for 34 years. Throughout his career, D/Commr. Loeppky (Rtd) was responsible for coordinating and leading major investigations on both a domestic and international level. He worked with numerous foreign law enforcement organizations and has lectured in a number of countries including Canada, Australia, United States, and Europe.

CHANTAL BERNIER

Assistant Commissioner, Office of the Privacy Commissioner of Canada. Ms. Bernier was appointed by Order-in-Council as Assistant Privacy Commissioner (Privacy Act) on December 8, 2008 and was appointed in February 2009 as a member of the National DNA Data Bank Advisory Committee.

DR. FREDERICK R. BIEBER

Canadian-born Associate Professor of Pathology in the Faculty of Medicine at Harvard University, Boston, Massachusetts. Dr. Bieber is a medical geneticist and a specialist in bio-medical ethics.

GISÈLE CÔTÉ-HARPER

O.C., Q.C., graduate of Harvard Law School and currently a Barrister and Emeritus Professor at the Faculty of Law, Université Laval. Mme Côté-Harper is recognized nationally and internationally as a legal expert on Human Rights issues.

DR. WILLIAM S. DAVIDSON

Medical Genetics Specialist and Professor of Molecular Biology and Biochemistry, Simon Fraser University (Burnaby, B.C.). Dr. Davidson has published widely in the areas of molecular evolution, population genetics, genomics and human genetics.

DR. RON FOURNEY

O.O.M., Director, Science and Strategic Partnerships, Forensic Science and Identification Services, RCMP. Dr. Fourney is a research scientist and founding member of the RCMP DNA program. He has been instrumental in the development and implementation of forensic DNA typing for Canada.

DR. ANJALI MAZUMDER

Dr. Mazumder holds a Doctorate in Statistics from the University of Oxford and is a Research Fellow in the Department of Statistics at the University of Warwick. Dr. Mazumder has published widely in the fields of forensic DNA identification and value of evidence analysis using probabilistic expert systems and best practices in forensic science.

291,539
CONVICTED OFFENDER SAMPLES RECEIVED

KEY STATISTICS

266,355
DNA PROFILES CURRENTLY CONTAINED IN THE CONVICTED OFFENDERS INDEX

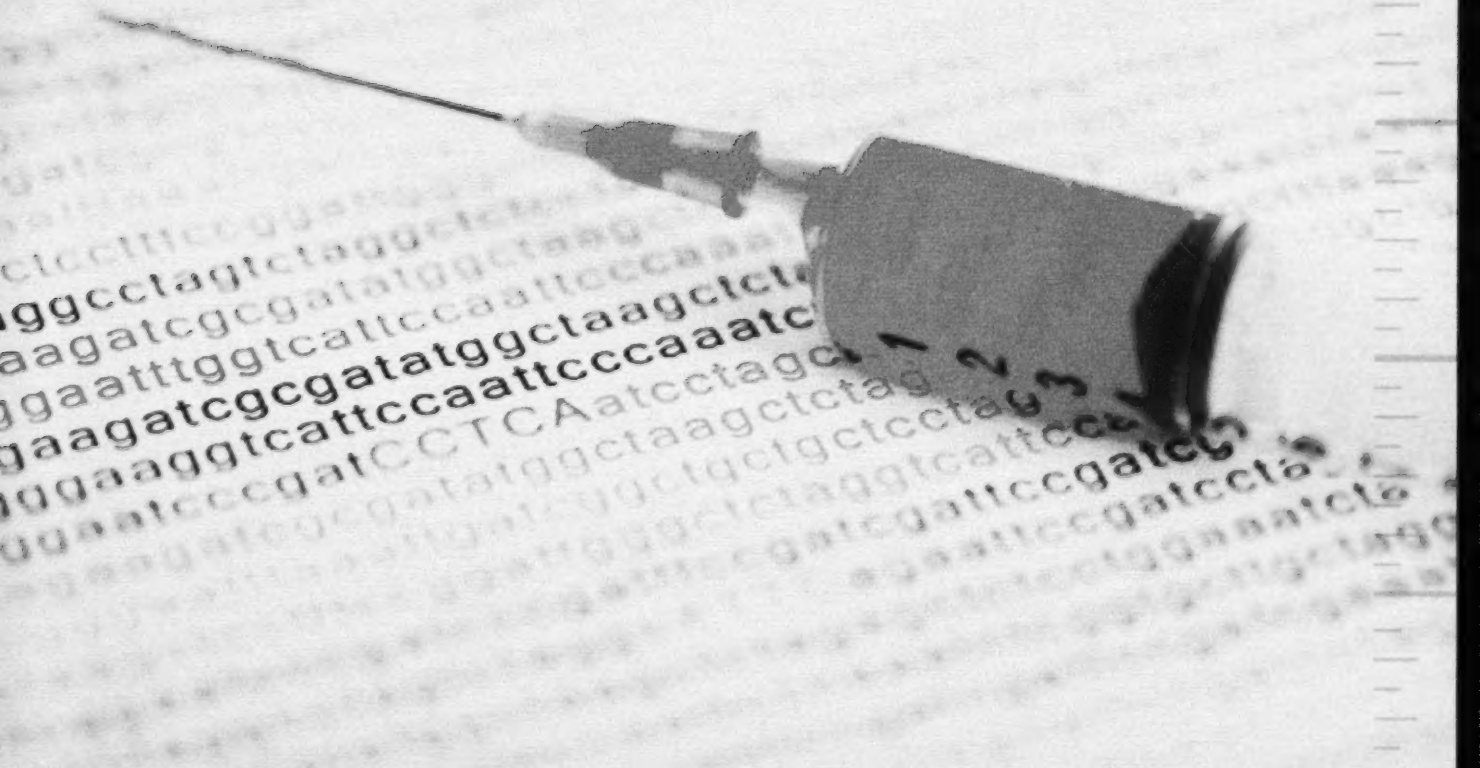


TABLE 1: **CASES ASSISTED BY THE NDDB**

Breaking and Enter	10,244
Sexual Offence	3,243
Robbery	2,958
Assault	1,973
Homicide	1,836
Attempted Murder	602
Other	5,157
TOTAL	26,013

TABLE 2: **MATCH INVENTORY REPORT**

Offender Hit (Crime Scene Index to Convicted Offenders Index)	26,013
Forensic Hit (Crime Scene Index to Crime Scene Index)	3,163
Offender Duplicate (Two samples taken from the same person)	12,602
Identical DNA Profiles (from different individuals i.e. identical twins)	217

EXPLANATORY NOTES

Offender "Hit": A DNA profile developed from crime scene evidence and entered in the Crime Scene Index of the NDDB matches a DNA profile in the Convicted Offenders Index.

Forensic "Hit": A DNA profile developed from crime scene evidence and entered in the Crime Scene Index of the NDDB matches another crime scene DNA profile in the Crime Scene Index.

Offender Duplicate: Cases where two biological samples from the same person were submitted to the NDDB.

Identical DNA Profiles: Profiles of identical twins.

Convicted Offender's Profile: A DNA profile from an offender convicted of a designated offence (see Appendix A).

Crime Scene Profile: A DNA profile developed from biological evidence found at a crime scene.

Samples Received versus Profiles Contained in the Convicted Offenders Index: As of March 31, 2013, the NDDB had received 291,539 biological samples, of which 266,355 DNA profiles were contained in the Convicted Offenders Index. The difference of 8.6% can be attributed to rejected samples, duplicate samples, biological samples in the process of being treated and profiles removed from the Convicted Offenders Index because the retention period had expired, or the conviction or the order/authorization was quashed on appeal.

TABLE 3: **DNA PROFILES CONTAINED IN THE NDDB**

Convicted Offenders Index	266,355
Crime Scene Index	83,804
TOTAL	350,159

Note: The NDDB receives 500–600 convicted offender samples per week.

TABLE 4: **BREAKDOWN OF PROFILES CONTAINED IN THE CRIME SCENE INDEX**

Centre of Forensic Sciences (Toronto and Sault Ste. Marie)	30,763
Laboratoire de sciences judiciaires et de médecine légale (Montréal)	26,531
RCMP Forensic Science and Identification Services (Halifax, Ottawa, Regina, Edmonton, Vancouver)	26,510
TOTAL	83,804

TABLE 5: **BREAKDOWN OF CONVICTED OFFENDER SAMPLES RECEIVED ACCORDING TO CATEGORY AND OFFENCE TYPE**

DNA Data Bank Orders	286,586
Retroactive Authorizations	4,953
TOTAL	291,539

Primary	154,514
Secondary	134,540
Other	2,485
TOTAL	291,539

Note: The "Other" category includes samples submitted following conviction for a non-designated offence or without a court order. These samples are not processed unless the NDDB receives a corrected order.

EXPLANATORY NOTES

Convicted Offenders Index: A post-conviction database composed of two categories of samples:

1. DNA Data Bank Orders: Includes DNA samples collected from offenders who are convicted of an offence committed at any time, including before June 30, 2000, if the offence is a designated offence when the person is sentenced or discharged.
2. Retroactive Authorizations: A biological sample taken from an offender who was found guilty of a designated *Criminal Code* offence before June 30, 2000 and who had been:
   a. Declared a dangerous offender under Part XXIV of the *Criminal Code*;
   b. Declared a dangerous offender or a dangerous sexual offender under Part XXI of the *Criminal Code*;
   c. Convicted of murder;
   c.1. Convicted of attempted murder or conspiracy to commit murder or to cause another person to be murdered and is currently serving a sentence of imprisonment for that offence;
   d. Convicted of a sexual offence within the meaning of subsection 487.055(3) of the *Criminal Code* and is currently serving a sentence of imprisonment for that offence; or
   e. Convicted of manslaughter and is currently serving a sentence of imprisonment for that offence.

As of March 31, 2013, approximately 6,244 offenders qualified for inclusion in the retroactive category as defined by Bills C-3 and C-13/C-18. From this list of qualified offenders, 5,876 files were concluded with the remainder being prepared by the Attorneys General for court applications.

Primary and Secondary Offences: See Appendix A.

TABLE 6: **CONVICTED OFFENDER SAMPLES RECEIVED BY PROVINCE/TERRITORY**

British Columbia	34,775
Alberta	31,104
Saskatchewan	12,461
Manitoba	17,232
Ontario	128,851
Quebec	47,231
New Brunswick	3,689
Nova Scotia	7,549
Prince Edward Island	688
Newfoundland & Labrador	4,303
Yukon	483
Northwest Territories	1,699
Nunavut	1,474
TOTAL	291,539

Note: The above information represents the convicted offender samples received and is not reflective of the number of convictions eligible for inclusion into the Convicted Offenders Index.

TABLE 7: TYPE OF SAMPLES RECEIVED FROM CONVICTED OFFENDERS

Blood	287,716
Buccal	3,544
Hair	279
TOTAL	291,539

TABLE 8: BREAKDOWN OF CONVICTED OFFENDER SAMPLES RECEIVED

Adult Offender	255,375
Young Offender	36,098
Military Offender	66
TOTAL	291,539

TABLE 9: CONVICTED OFFENDERS INDEX BREAKDOWN BY OFFENCE

Assault	179,240
Sexual Offence	54,086
Break and Enter	42,107
Robbery	37,102
Controlled Drugs and Substances Act	22,311
Homicide	7,805
Other	29,737
TOTAL	372,388

NOTE: More than one offence may be associated with a sample.

SAMPLE REJECTIONS

The NDDB has rejected only 4,213 (1.4%) of the samples it has received to date. Reasons for rejection include: offender convicted of a non-designated offence, inadequate biological samples, use of inappropriate collection kit, missing/invalid order and others. More than 53% of the samples rejected were collected from offenders convicted of non-designated offences and are therefore not eligible for inclusion in the Convicted Offenders Index. More than 26% of the samples rejected were collected from offenders using an inappropriate collection kit.

COLLECTION OF ADDITIONAL BODILY SUBSTANCES

In some instances, bodily substances have to be taken a second time, pursuant to a re-sampling authorization issued under subsection 487.091(1) of the *Criminal Code* which provides for an application for re-sampling when the original sample submitted is rejected. If the quality of the biological sample submitted is deemed inadequate for DNA analysis or if it had not been transmitted in accordance with the *DNA Identification Regulations*, the sample is rejected. Since June 30, 2000, the NDDB has received 791 samples that were taken under this provision.

EXPLANATORY NOTES

Assault: includes assault with a weapon or causing bodily harm, aggravated assault, assaulting a peace officer, overcoming resistance to commission of offence, criminal harassment and uttering threats.

Break and Enter: includes break and enter with intent, being unlawfully in a dwelling-house, break and entering a place other than a dwelling-house and possession of break-in instruments.

Robbery: includes robbery and extortion.

Sexual Offence: includes rape, sexual intercourse with a female under 14 and between 14 and 16, sexual intercourse with the feeble-minded, sexual interference, invitation to sexual touching, sexual exploitation, incest, bestiality, child pornography, indecent acts, offence in relation to juvenile prostitution, sexual assault with a weapon, aggravated sexual assault, sexual assault, indecent assault, gross indecency, prostitution and luring a child.

Homicide: includes manslaughter.

***Controlled Drugs and Substances Act*:** includes trafficking, possession for the purpose of trafficking, import or export of a controlled substance, and production of substances. In 2008, Canadian legislation changed to allow DNA samples to be collected from offenders sentenced for a range of less serious criminal offences, including convictions under the *Controlled Drugs and Substances Act (CDSA)*. Since January 1, 2008, the enabling changes in legislation for CDSA offences alone allowed for the collection of 22,311 DNA samples. So far, these samples have resulted in 701 convicted offender hits that have assisted in the investigation of 86 murders and 91 sexual assaults.

The Other category includes: using explosives, causing death by criminal negligence, causing bodily harm by criminal negligence, causing bodily harm with intent, dangerous operation causing death, failure to stop at the scene of an accident, impaired driving causing death, unlawfully causing bodily harm, kidnapping, hostage taking, mischief causing danger to life, arson (disregard to human life), setting fire to other substance, arson (own property), firearms, fraud, counterfeiting, criminal organization, escape, flight, theft over $5,000, forgery, disguise and intimidation.

TABLE 10: BREAKDOWN OF BIOLOGICAL SAMPLES DESTROYED AND DNA PROFILES REMOVED FROM THE CONVICTED OFFENDERS INDEX

	ADULT	YOUNG PERSON
Conditional discharge	4,609	602
Conviction quashed on appeal	413	16
Absolute discharge	240	42
Duplicate sample (same order)	268	20
No suitable DNA profile obtained	70	12
Order/authorization quashed	28	7
Retention period expired	N/A	1,534
Other	36	9
TOTAL	5,664	2,242

N/A: Not applicable.

TABLE 11: ENDORSEMENTS RECEIVED BY PROVINCE/TERRITORY

British Columbia	7,343
Alberta	5,552
Saskatchewan	887
Manitoba	2,708
Ontario	33,936
Quebec	5,737
New Brunswick	52
Nova Scotia	704
Prince Edward Island	7
Newfoundland & Labrador	335
Yukon	85
Northwest Territories	175
Nunavut	135
TOTAL	57,656

Note: The data associated with Endorsements is from January 1, 2008 through March 31, 2013.

TABLE 12: **BREAKDOWN OF ENDORSEMENTS RECEIVED**	
Adult Offender	54,939
Young Offender	2,716
Military	1
TOTAL	57,656

ENDORSEMENT PROCESS

Section 487.071 of the *Criminal Code* requires police officers to verify with the Canadian Police Information Centre whether a convicted offender's DNA profile is already in the NDDB prior to executing every new DNA data bank order or authorization. If the DNA profile of an offender is contained in the Convicted Offenders Index of the NDDB, police officers may not take the bodily substances from the offender but are required to submit the un-executed DNA data bank order or authorization with an endorsement form confirming they have been advised that the person's DNA profile is already contained in the NDDB, along with the offender's fingerprints to the NDDB. The purpose of the endorsement process is to ensure that an offender's DNA profile remains in the NDDB if:

- The conviction for which the original DNA order was made is quashed on appeal; or
- The original Order/Authorization is quashed on appeal; or
- The retention period has expired because the person was either:
  - Convicted as a young person; or
  - Discharged under Section 730 C.C. of a designated offence.

TABLE 13: ENDORSEMENT BREAKDOWN BY OFFENCE

Assault	37,071
Break and Enter	11,721
Robbery	7,765
Controlled Drugs and Substances Act	5,197
Sexual Offence	3,085
Homicide	559
Other	11,141
TOTAL	76,539

Note: More than one offence may be associated with an endorsement.

ENDORSEMENT REJECTIONS

The NDDB has rejected only 859 (1.4%) of the endorsements it has received to date. Reasons for rejection include: DNA profile from the offender is not contained in the Convicted Offenders Index, offender convicted of a non-designated offence and others. More than 53% of the endorsements rejected were collected from offenders convicted of non-designated offences.

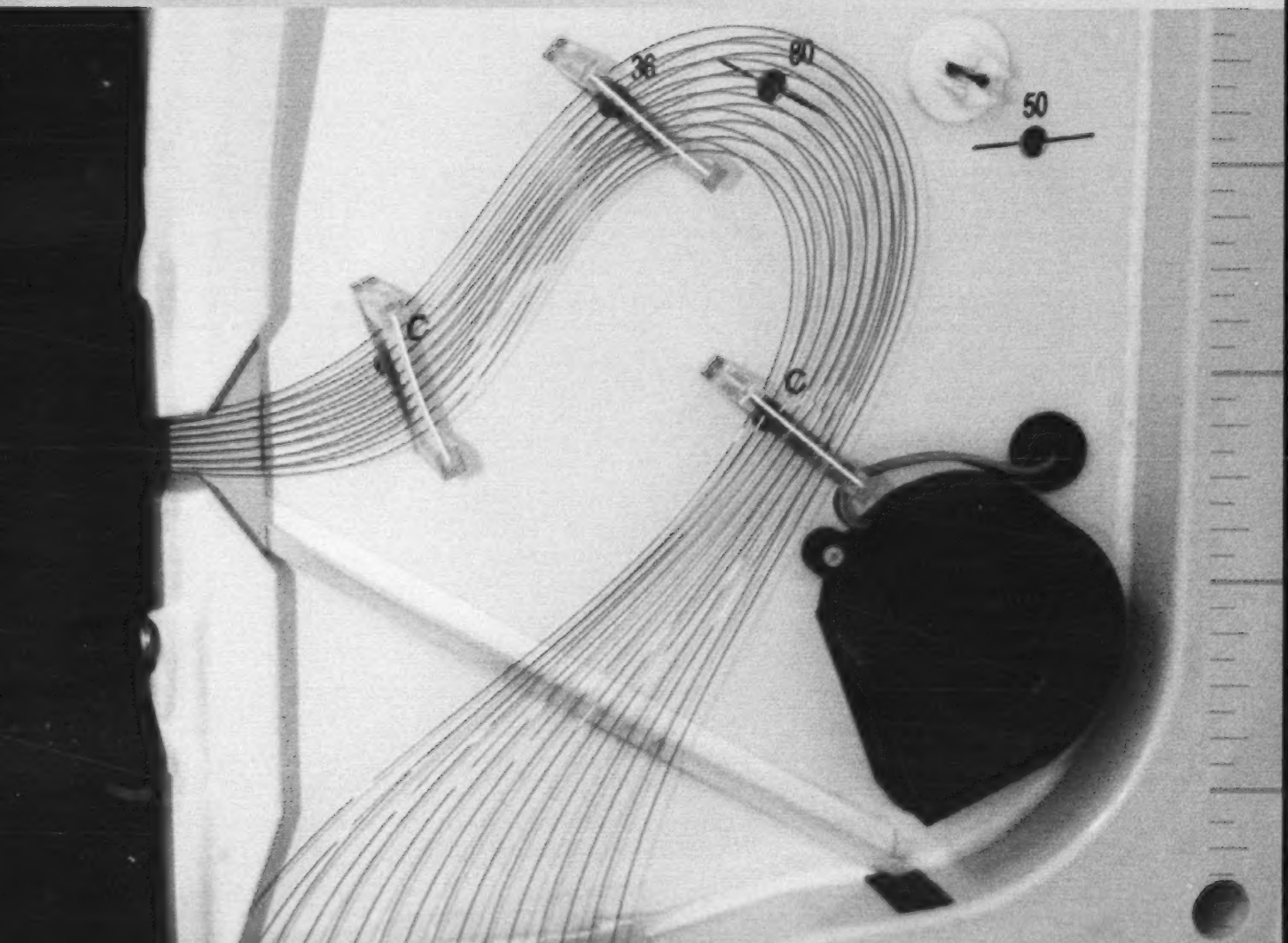
FINANCIAL STATEMENT

APRIL 1, 2012–MARCH 31, 2013

EXPENDITURE TYPE	EXPENDITURE ($ THOUSANDS)
Personnel	2,001
Transport and Telecommunications	84
Development and Infrastructure Support	57
Rentals	2
Repair and Maintenance	95
Utilities, Materials and Supplies	1,358
Capital and Minor Equipment Purchases	839
Miscellaneous	1
SUB-TOTAL	4,437
Indirect Costs[1]	925
TOTAL	5,362

[1] Indirect Costs include: Forensic Science and Identification Services administrative and corporate support, facilities management, research and development, recruitment, hiring and training of new personnel, the quality assurance program and the National DNA Data Bank Advisory Committee.

APPENDIX A
DEFINITIONS OF DESIGNATED OFFENCES



PRIMARY COMPULSORY OFFENCES

This category includes offences for which the court is compelled to make an order such as murder, manslaughter, aggravated sexual assault, sexual assault, child pornography and robbery. For a complete list of offences that fall under this category, refer to paragraph (a) under the definition of "primary designated offences" in section 487.04 of the *Criminal Code*.

PRESUMPTIVE PRIMARY OFFENCES

For these offences, the court shall make an order unless the offender convinces the court that the impact of such an order on his/her privacy and security of the person is "grossly disproportionate" to the public interest in the protection of society and the proper administration of justice. Examples of offences included in this category are: breaking and entering a dwelling-house and hostage taking. For a complete list of offences that fall under this category, refer to paragraphs (a.1) to (d) under the definition of "primary designated offence" in section 487.04 of the *Criminal Code*.

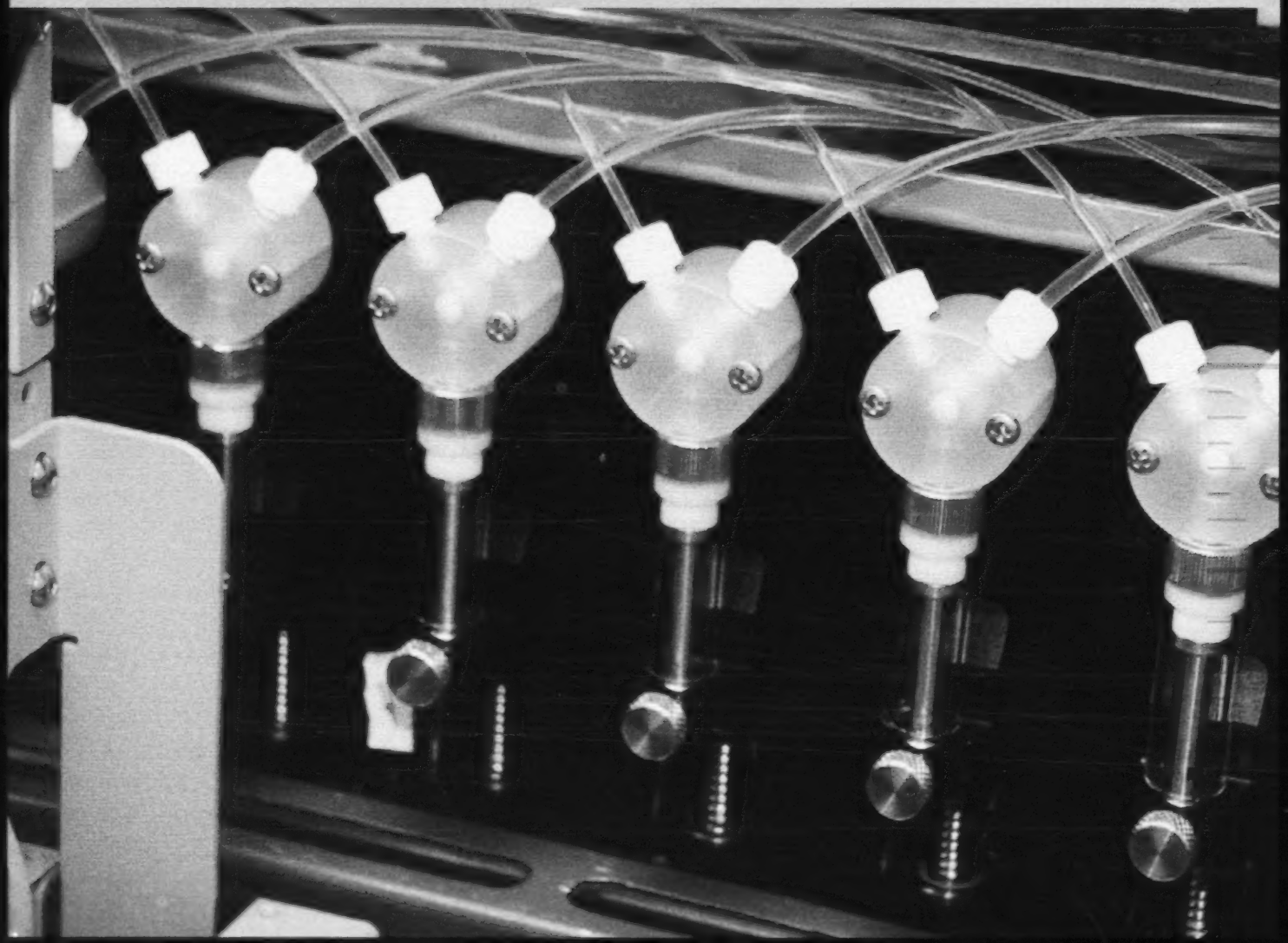
LISTED SECONDARY OFFENCES

For these offences, the court may, on application by the prosecutor, make an order if it is satisfied that it is in the best interests of the administration of justice to do so. Examples of offences included in this category are: breaking and entering a place other than a dwelling-house, assault and indecent acts. For a complete list of offences that fall under this category, refer to paragraphs (c) and (d) and subparagraph (e)(ii) under the definition of "secondary designated offence" in section 487.04 of the *Criminal Code*.

GENERIC SECONDARY OFFENCES

For these offences, the court may, on application by the prosecutor, make an order if it is satisfied that it is in the best interests of the administration of justice to do so. All the other non-listed *Criminal Code* offences, including certain *Controlled Drugs and Substances Act* offences that are prosecuted by indictment for which the maximum punishment is imprisonment for five years or more, fall under this category of offences. Examples of offences included in this category are: possession of explosive without lawful excuse, pointing a firearm, dangerous driving, dangerous driving causing bodily harm, causing death by criminal negligence, theft over $5,000, and drug related offences (e.g. trafficking and possession for the purpose of trafficking, importing and exporting and production of substances) which fall under sections 5, 6 and 7 of the *Controlled Drugs and Substances Act*. For more information, refer to paragraphs (a) and (b) and subparagraph (e)(i) under the definition of "secondary designated offence" in section 487.04 of the *Criminal Code*.

APPENDIX B
CHRONOLOGY OF DNA LEGISLATION IN CANADA



1995	July	Bill C-104 receives Royal Assent. The bill amends the *Criminal Code* and the *Young Offenders Act* to enable judges to issue a warrant allowing police to obtain DNA evidence from suspects in criminal investigations. This is Phase I of the Government of Canada's DNA Strategy which provided the legislative framework for the use of DNA evidence in criminal proceedings.
1996	January	Phase II of the Government of Canada's DNA Strategy begins with nation-wide consultations for the establishment of a national DNA data bank.
1998	December	Bill C-3 (Statutes of Canada 1998, c. 37) receives Royal Assent. Work begins with an 18-month schedule to establish the NDDB.
1999	November	Bill S-10 is tabled in the Senate. Based on Senate recommendations, the Bill contains amendments to Bill C-3 including: the taking of fingerprints for identification purposes, the inclusion of offenders convicted of designated offences in the military justice system, and a full legislative review of the DNA legislation and NDDB to be conducted by the Senate and House of Commons after five years.
2000	May	Partial proclamation of Bill C-3 which established the DNA Data Bank Advisory Committee by Regulations.
2000	June	Full proclamation of Bills C-3 and S-10. DNA sample collections are to commence immediately following proclamation.
2005	May	Royal Assent of Bill C-13 (Statutes of Canada, 2005, c. 25). Amendments to expand the retroactive scheme, to clarify the NDDB DNA profile sharing procedures with forensic laboratories, and to establish procedures to confirm the validity of NDDB orders coming into force on Royal Assent. Other provisions of the Bill will come into force on proclamation.
2007	June	Royal Assent of Bill C-18 (Statutes of Canada 2007, c. 22). Amendments to facilitate the implementation of Bill C-13, and: • further expand the retroactive scheme to include attempted murder and conspiracy, and replace the "is serving a sentence of two years or more" requirement with "is on the date of the application serving a sentence of imprisonment" for that offence; • allow for NDDB orders to be made within 90 days after the person is sentenced or found not criminally responsible on account of mental disorder; • allow a person to be summoned for the execution of a NDDB order and penalties for failure to appear; • clarify international NDDB DNA profile sharing procedures; and, • clarify destruction procedures for defective orders.

2008	January	Full proclamation of Bills C-13 and C-18.
2009	June	Parliamentary Statutory Review of the DNA legislation and NDDB by the House of Commons Standing Committee on Public Safety and National Security (SECU Report, June 2009) and government acceptance in principle of the SECU Report's recommendations in October 2009.
2010	June	Parliamentary Statutory Review of the DNA legislation and NDDB by the Senate Standing Committee on Legal and Constitutional Affairs (Report–June 2010). The Government response in December 2010 noted that recommendations requiring legislative change are "in broad agreement" with those made by SECU and that operational recommendations would require broader discussion.
2010	October	Full proclamation of Bill C-14 (Statutes of Canada 2009, c. 22). The Bill amended the *Criminal Code* by adding three offences to the list of primary compulsory offences.
2011	April	Proclamation of Bill S-2 (Statutes of Canada 2010, c. 17). The Bill amended the *Criminal Code* to make DNA sampling mandatory for convicted sex offenders. Convicted sex offenders must also be registered in the National Sex Offender Registry.